

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

JANUARY 20, 2004

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

TABLE OF CONTENTS

Call to Order	1
Members Present.....	1
Members Absent	1
Adoption of Agenda.....	1
APPROVED AS PRESENTED	1
Approval of Minutes	1
APPROVED AS PRESENTED	1
Director's Report	1
INFORMATIONAL ONLY	1
University Hygienic Laboratory Contracts Presentation	2
Public Participation	2
Mark Halbe	2
Mike Blasser	2
Dave Klang	2
Susan Heathcote.....	3
Steve Veysey.....	4
Robert Summerfelt.....	5
Tarah Heinzen	5
Jerry Anderson.....	5
Rich Leopold.....	5
E. Robert Baughman.....	6
Chaim Abrahams	6
Greg Sindt	6
Eldon McAfee.....	7
Rick Robinson.....	7

Chris Gruenhagen	9
Carissa Lenfert	10
Beth Royse	10
Notice of Intended Action - Amendment to Chapter 65.17 – “Manure Management Plan Content Requirements”	10
APPROVED AS PRESENTED	11
Solid Waste Alternatives Program – US Green Fiber Update	12
INFORMATIONAL ONLY	12
Final Rule – Amend IAC Chapter 567-111 “Financial Assurance Requirements for Municipal Solid Waste Landfills”	12
APPROVED AS PRESENTED	13
Proposed Rule – Amend IAC Chapter 567-11 “Tax Certification of Pollution Control or Recycling Property”	13
INFORMATIONAL ONLY	14
Nonpoint Source Pollution Control Project Contract	14
APPROVED AS PRESENTED	15
NPDES Database Contract Amendments	15
APPROVED AS PRESENTED	15
Final Rule: Chapter 61, Water Quality Standards, Chapter 62, Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions	16
TABLED	18
Proposed Rule, Chapter 49 - Nonpublic Water Supply Wells and Chapter 82 - Well Contractor Certification	19
INFORMATIONAL ONLY	19
Air Dispersion modeling presentation	20
Denial of Petition for Rule Making- Agribusiness Association of Iowa, et. al.	20
APPROVED AS PRESENTED	20
Final Rule – Chapter 65.15 (14) New concrete standards for formed manure storage structures, including upgraded concrete standards for karst	20
APPROVED AS PRESENTED	22
APPEAL OF CONTESTED CASE DECISION – PIPER MOTOR COMPANY, INC. AND BRUCE PIPER (TABLED)	22
NO ACTION TAKEN	22

Monthly Reports	22
INFORMATIONAL ONLY	46
General Discussion	46
Next Meeting Dates	46
Adjournment	46

MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Kathryn Murphy at 10:05 a.m. on Tuesday, January 20, 2004, in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

Kathryn Murphy, Chair
Darrell Hanson, Vice Chair – arrived at approximately at 10:10 a.m.
Terrance Townsend
Jerry Peckumn
Heidi Vittetoe
Donna Buell

MEMBERS ABSENT

Lisa Davis Cook, Secretary
Lori Glanzman
Francis Thicke

ADOPTION OF AGENDA

Motion was made by Terry Townsend to approve the agenda as presented. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Terry Townsend to approve the minutes as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

DIRECTOR'S REPORT

Liz Christiansen filled in for Jeff Vonk.

INFORMATIONAL ONLY

UNIVERSITY HYGIENIC LABORATORY CONTRACTS PRESENTATION

Richard Kelley, Assistant Director of the University Hygienic Laboratory, provided the Commission with an overview of the laboratory and the services that it provides; the new laboratory facility under construction; and answer specific questions the Commission asked concerning the laboratory's contracts at their January meeting.

The University Hygienic Laboratory (UHL) is the State of Iowa's Environmental and Public Health Laboratory. The Department has several contracts with the laboratory to provide analytical and fields services.

The Laboratory was established in 1904 and is housed at the University of Iowa. The duties of the laboratory are segregated amongst the different locations.

(A packet of information was given to each Commissioner regarding the Hygienic Lab and the services offered. A copy can be found in the Department's Record Center.)

Kathryn Murphy suggested that the Commission should tour the new facility once it opens on the campus of DMACC in Ankeny.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

MARK HALBE, Iowa Best Beef said that we need to make sure that outside groups do not persuade changes based on emotional, feel sorry facts. As a taxpayer, I expect you to base your decisions on facts.

MIKE BLASSER, commented on the centralized filing of records that is mentioned in the amendments to Chapter 65.17 – “Manure Management Plan Content Requirements”. Why is the Department allowing the go ahead with centralized record keeping? I ask that you pull those two sections (changes in 65.17 12&13) from the Phosphorus rule and instruct to the Department to leave the current language and some instruction to provide justification for the proposed changes.

DAVE KLANG, representing members from the Waters Contractors Council have assisted the IDNR in drafting of the rules being presented to you for review. We endorse, for the most part, all of the rules submitted for your review. However, the consensus of the committee, is to modify rule 82.6(2)(455B). This section deals with a peer review committee assisting the IDNR in reviewing applicants for certification. The rule was amended by the IDNR staff from a “shall appoint” to a “may appoint”. The consensus of the committee members believe that this rule needs to be a “shall appoint”. The reason being is that we feel that a committee may have knowledge of applicants that may not possibly be qualified or have the experience required to take the test. Conversely, they may have knowledge of a person well qualified, that would like to be approved in a timely manner to speed up their certification process. We believe that having

a review peer committee would also diminish the possibility of applicants falsifying their application.

Many other states have advisory committees to the DNR's and we believe that the people serving on this committee may have more knowledge than the DNR staff or facilitate the DNR staff for making a better informed decision. We respectfully ask you to consider this request.

SUSAN HEATHCOTE, Iowa Environmental Council presented the following information as a PowerPoint presentation:

DNR's proposed changes to general use water quality standards for TDS and Chloride are not acceptable

- DNR is proposing to eliminate the current standard for total dissolved solids (TDS) of 750 mg/L and replace it with a site-specific approach.
- DNR is also proposing to establish a standard of 1,500 mg/L chloride for protection of general uses. The notice of intended action asked specifically for comments from the public on the appropriateness of this proposed standard.

Iowa Environmental Council Recommendations

- The Council is recommending that the EPC revise the proposed rule:
 - Eliminate the general use standards for chloride of 1,500 mg/L
 - Retain the Total Dissolved Solids (TDS) standard for general use waters, with an increase in the standard from 750 mg/L to 1000 mg/L

General Use Protections

From 567-61.3 (1) "a" and "b" *Surface Water Classification*:

Iowa Water Quality Standards require the following general protections for all waters of the state, both "general" and "designated":

- Aquatic life protection from acutely toxic conditions
- Livestock and wildlife watering
- Non-contact recreation
- Crop irrigation
- Industrial, agricultural, domestic and other incidental water withdrawal uses

Fresh Water or Brackish water?

Definitions of brackish water:

- Generally, water containing dissolved minerals in amounts that exceed normally acceptable standards for municipal, domestic and irrigation uses. Considerably, less saline than sea water.
- Water containing 1,000 – 4,000 parts per million (PPM) Total Dissolved Solids (TDS)
- Marine and Estuarine waters with Mixohaline salinity (0.5 – 30 grams per liter due to ocean salts)
- The term should not be applied to inland waters

A 1000 mg/L TDS Standard will protect livestock watering use

- In Rodenburg's review article, he notes that: *"There will be highly variable response to water of 1000 to 5000 milligrams per liter TDS depending on which ions dominate..."*
- The TDS levels less than 1000 mg/L are described as *"relatively low level of salinity; excellent for all classes of livestock."*
- TDS levels in the range 1000 to 3000 mg/L are described as *"Satisfactory for all classes of livestock and poultry, but some loss of productivity should be anticipated: may cause temporary and mild diarrhea in livestock not accustomed to them or watery droppings in poultry."*

- ISU Extension Fact Sheet DYS-3354 (Nov 1997) Water Quality Guidelines for Dairy Cattle gives an acceptable range for TDS of 0 to 1000 mg/L with concentrations exceeding 3000 milligrams per liter representing possible cattle problems.
- In *Current Knowledge of Water Quality and Safety for Livestock* by Dr. Thomas Carson, ISU College of Veterinary Medicine (Nov 2000 issue of Toxicology) the familiar statement is offered that “*water containing less than 1000 mg/L of soluble salts (TDS) should present no serious hazard to any class of animal*”. Dr. Carlson presents several research examples of significant effects on water intake and/or milk production for lactating cows exposed to or removed from high levels of TDS or NaCl.

Why 1500 mg/L Chloride standard for livestock watering is not acceptable

- In *Nutrient Requirements of Dairy Cattle*, 7th Revised Edition, (2001) contains a study where lactating cows consuming water with 2,500 mg/l NaCl (1500 mg/L chloride) exhibited a tendency for less milk yield and dry matter intake compared with cows consuming low-saline water
- The DNR proposal of 1500 mg/L Chloride would equate to a TDS level of 2850 mg/L, at the very upper end of the “*satisfactory...Some loss of productivity should be expected*” range for TDS.

Wildlife watering and incidental water withdrawal uses

- The proposed chloride standard for general use waters will not protect for wildlife watering uses because wildlife will avoid using waters with high chloride levels
- The proposed chloride standard will also not protect general use waters for incidental water withdrawals uses such as for watering landscape plants, vegetable gardens, strawberries, and other domestic uses.

Protection of Sensitive Aquatic Life

- The proposed chloride general use standard of 1500 mg/L is nearly twice the acute standard of 860 mg/L proposed for designated uses
- General use streams represent 83% of our river and stream miles and do support “aquatic communities of significance” that are deserving of protection.
- Aquatic life in general use streams includes a diverse population of macro-invertebrates, primarily aquatic insects. These invertebrates are generally more sensitive than vertebrates such as fish to chloride concentrations.
- Therefore chloride levels necessary for aquatic life protection in general use streams should be similar to designated use streams.

Failure of the proposed General Use standards for Chloride and TDS to adequately protect for all of these general uses

- Good water quality for livestock and wildlife watering not assured
- Crop irrigation uses not protected
- Incidental water withdrawal uses not protected
- Sensitive aquatic life, especially aquatic insects and other invertebrates are not protected

STEVE VEYSEY, Hawkeye Fly Fishing Association expressed his concern on the general use chloride standard and the protective flow standard that are being proposed in the same rule making. I am opposed to the standard of 1500 mg/L for chloride for general use streams for the same reasons as Susan Heathcote. There is a draft of the cold water stream assessment protocol available.

You have to protect for chronic effects if you’re going to protect aquatic life. It disturbs me that our Department is setting standards to improve and protect water quality that they feel should be satisfactory under most conditions. Instead of they will be good under all conditions. We can

set those standards. We should be setting our water quality standards upon what is necessary to protect water for its beneficial uses.

(A handout of the IOWATER sites with biological or chemical/physical data can be found in the Department's Record Center.)

ROBERT SUMMERFELT, professor at Iowa State University said that he does not support the department's proposal of 1500 mg/L for chloride. I recommend that the EPA adopt numerical water quality criteria for chloride for the protection of aquatic life and general uses similar to that which we have for Class B.

TARAH HEINZEN, representing the Sierra Club said to vote against the rulemaking for the proposed TDS standards and send the message to the DNR that they can not sneak these rules that will lead to degradation or allow potential degradation of our waterways into these rule making processes. The TDS standard that we have now is great. It is protective of all our waters for beneficial uses. We do not need to degrade our waters.

JERRY ANDERSON, representing Midwest Environmental Justice Advocates spoke against the proposed water quality change. I represent a group of citizens who live in the Postville area, who have been directly impacted by the salt water discharges into their stream. They have seen the environmental impacts and elevated chloride levels in their drinking water wells.

The Clean Water Acts directs us to set the standards at a level that would protect human health and the environment. Economics are not apart of this consideration. This standard does not fulfill either of the criteria. We are concerned with the 1500 mg/L chloride. You would be adopting a standard that is six times what EPA says is necessary to support aquatic life.

RICH LEOPOLD, representing the Iowa Environmental Council said that the rule change for chloride in our general use waters, which includes 83% of the flowing water miles in Iowa, may have significant impact. These waters are protected under the state's water quality standards for protection of aquatic life, livestock watering, and irrigation. Of course, these waters are not held to the same standards as our Class A waters (swimmable), Class B waters (fishable) or our Class C waters (drinkable), so what do these protected uses mean?

Rarely does any surface water in Iowa ever reach 50 mg/L yet the IDNR is recommending 1500 as the standard for general use streams. This translates into 30 times the background conditions. To think this will not have ecological effects on the stream is absurd.

Cattle or other livestock (or wildlife for that matter) can drink the water at 1500 ml/l without any severe adverse effects, thus the rationale for the standard. But do we want to set the standards on what cows, deer or irrigated vegetables can possibly tolerate, or set the standards for "clean" water and make exceptions when we absolutely have to. The Council believes that the intent of the Clean Water Act is to promote "clean" water quality.

Keep in mind that in Iowa, “general use waters” include many perennial streams with abundant wildlife. Fish spawn, frogs live in, birds drink from and our children play in general use water. Some of these waters are intermittent streams that dry up parts of the year, but not all of them, and even the ones that do dry up for part of the year have vibrant aquatic communities at other times.

We now have few exceptional cases in industry where the practice of releasing water high in chlorides into our streams is financially beneficial to the industry. If the DNR sets this high standard, there could be exist now, or in the future, industry and practices that will use this upper limit to base their industrial strategies on. This is a dangerous precedent.

These standards should be set to protect our water, not to try to figure out how to clean-up negative impacts once they have occurred. The case has also been made that if the DNR were to set a more rigorous standard and then grant variances under severe economic considerations, people and organizations would oppose these variances. As well they should, and that is the point precisely. The DNR should be protecting the water quality as a rule, and only allow variances when it is proven by the industry that there is no practical alternative.

In closing, let me recommend to you that the IDNR and the EPC reconsider these proposed standards. Many of the other changes proposed within these rules are productive steps forwards, and the Council applauds these efforts, but the chloride standard proposal for general use waters in Iowa is ill-conceived and potentially harmful.

(A copy of Rich Leopold’s comments can be found in the Department’s Record Center.)

E. ROBERT BAUGHMAN, representing BMI said that the TDS standard has not been enforced by the DNR against a large majority of dischargers. The Iowa DNR recommends that you adopt a chronic value of 372 mg/L for chloride applicable to Iowa streams and lakes. I believe that this concentration is lower than values that can be scientifically justified. Because of its effects on water and waste water treatment costs. I believe a higher value is justifiable. We need a standard! The EPC should base standards on science. An acute value of 860 mg/L developed by both EPA and the DNR staff is appropriate. I recommend that we seek the guidance of aquatic toxicologists for their opinion concerning a reasonable chloride standard for protection of aquatic life.

CHAIM ABRAHAMS, resident of Postville and employee of Agri Processors said that the proposed rule should be given to experts for review. The standards should be based on real and pure science.

GREG SINDT, representing Bolton and Menk Engineers stressed the importance of the action to revise the TDS criteria and limits. I request that the chloride limits also be based on the science. I support the 860 mg/L for acute criteria. I think the data support of 372 mg/L chronic criteria applied to lakes and the 2500 mg/L applied to general use streams. In summary, I would like to address the importance of setting a standard that is based on science and that it is not overly stringent required for the protection of the environment.

ELDON MCAFEE, representing Iowa Pork Producers Association said that Senate File 2293 prohibited the Department by rule from requiring the engineer to design structures unless they recommend a threshold level of animal units. Anything over 500 animal units must meet the concrete design standards. We are asking that the Commission reject the Department's proposal on the issue of Fiber mesh and allow it to be used. Fiber particles give the concrete reinforcement from within instead of having to place steel throughout the concrete. Ivan Droessler, a professional engineer from Storm Lake has been using fiber mesh since 1994. To this day he is not aware of any problems with these fiber mesh reinforced concrete floors. At this point, we are asking that fiber mesh should be done only if a professional engineer is involved with designing the facility.

Our recommendation for an amendment to allow fiber mesh reinforcement:

Page 9, 65.15(14)a.(1)2.:

Wire mesh shall not be used as primary reinforcement for a formed manure storage structure with a depth of 4 feet or more. ~~Fiber can not be used as reinforcement.~~ The floor slab of formed manure storage may have reinforcement consisting of fiber mesh. If fiber mesh is used as reinforcement, rebar or wire mesh is not required as floor slab reinforcement.

RICK ROBINSON, Iowa Farm Bureau said that a Nutrient Management Subcommittee of the State Technical Committee, which I also served on, presented a report on July 22, 1999 to the State Technical Committee on its recommendations for implementing a national nutrient management practice standard in Iowa. This national standard is outlined in the NRCS Standard Practice Code 590. Each state NRCS must review this practice standard periodically and match guidelines to these federal requirements. In July 1999, there were questions about the impact of phosphorus on the environment, so no final action on revisions to the practice standard could be taken.

Instead, a Phosphorus Task Force was organized by NRCS to make recommendations on four things:

1. Provide scientists the opportunity to outline what is known about the issue of phosphorus management.
2. Develop a state Phosphorus Index (PI) based on existing knowledge
3. Identify protocols for further development of a PI of for Iowa
4. Identify what additional issues need to be studied

This task force met from July 1999 until November 2000, and included a number of meetings and open academic forums that summarized current scientific knowledge on the issue and identified areas for future investigation. These meeting and forums often included as many as 30 Iowa State University and National Soil Tilt Laboratory scientists, NRCS and DNR staff, the Iowa Environmental Council, and public and industry representatives. It was a very extensive and inclusive process. The process helped me and Farm Bureau members understand the rationale and science behind the subsequent NRCS phosphorus index that was developed.

In the end, the result was a phosphorus index (sometimes referred to as an NRCS technical guide or field office technical guide) that was generally understood and seemed to be a relatively practical assessment tool.

The NRCS phosphorus index was designed as a tool to be used by resource professionals to assess the relative potential for phosphorus (P) to move from agricultural fields to surface water. It uses an integrated approach

that considers solid and landscape features as well as solid conservation and P management m practices in indicial fields. These characteristics include sources factors such gas solid test P; total soil P; rate, method, and timing of P application from commercial fertilizer, manure and other organic sources; and erosion characteristics.

Transport factors include sediment delivery, relative field location in the watershed, soil conservation practices, precipitation, runoff, and tile flow or subsurface drainage. Erosion, runoff and drainage factors for a site or field are used in a mathematical equation to determine whether the phosphorus movement risk is very low, low, medium, high or very high.

The NRCS P index was developed for local conditions on the basis of available Iowa research, information from other states that could apply to Iowa conditions, and from scientific judgment when research data were incomplete. This version of the index will be tested and modified periodically as new research data becomes available. Today, producers that receive federal or state cost-share for nutrient management planning must use the NRCS P Index.

In 2002, the Iowa Legislature mandated that livestock producers larger than 500 animal units submit annual manure management plans and that the DNR must adopt regulations to include phosphorus index as part of those MMPs. Approximately 4,000 livestock producers will need to comply with these new regulations. Iowa Code section 459.312 specifically requires the department to base its phosphorus index “on the field office technical guide for Iowa as published by the United States department of agriculture natural resources conservation service, which sets forth nutrient management standards.”

The question becomes how to translate the NRCS phosphorus index, which wasn’t intended to be used a regulatory tool, into a rule that meets the needs of Iowa. What has transpired so far in the livestock regulatory debate seems to be more about enforcing stricter regulations on the livestock industry, regardless of their environmental benefit, potentially forcing it to more seriously consider moving to another state.

This seems contrary to Governor Vilsack’s goal of transforming the Iowa economy and crating for all Iowans a more hopeful and promising future. It also seems contrary to the Iowa Value Fund’s goal of creating 50,000 quality, good-paying jobs in the next four years. Many of these jobs could be and in fact should be in livestock production and related fields.

The DNR’s present recommendation will clearly result in two different phosphorus indexes with different goals that will do more to add to the confusion and growing frustration among family farmers who raise livestock, than it will do to protect water quality. It may result in one P Index for state and federal cost-share, and one for DNR’s manure management plan rule.

We propose and ask this Commission to avoid adding confusion to the increasing amount of regulations to this state’s farm families who raise livestock and to follow the legislative mandate to base the state phosphorus index regulations on the current NRCS phosphorus index.

More specifically, page 13, of DNR staff’s proposed rule lists the application rate limitations. As a member of the technical advisory committee that put the NRCS phosphorus index together, we believe that the DNR’s proposed rule significantly departs from the technical guide it is required to follow.

During one of the stakeholder meetings, we submitted proposed compromise language to the department that protects water quality and is consistent with the NRCS technical guide. It may go farther than what some producers are willing to accept but we felt that it kept with the intent of the legislation and the NRCS phosphorus index.

First, in the medium category, the intent of the index was not to increase any off-site phosphorus movement. The NRCS phosphorus index states, “Careful consideration should be given to further soil conservation and P

management practices that do not increase P delivery to surface water.” DNR’s proposed rule on paragraph f(2) required phosphorus application rates to be limited. The NRCS phosphorus index says careful consideration is warranted, not remedial or restrictive action on phosphorus applications.

Compounding this departure from the NRCS phosphorus index is vague language that implies that nitrogen application rates would be allowed if “soil conservation and manure management practices are planned.” Because this language creates uncertainty about individual DNR field officer’s intentions and expectations (field officers are implementing MMP’s, not the central office), the effect of this language is to eliminate nitrogen application limits as an option. It is also inconsistent with the NRCS technical guide, which requires “careful consideration” but doesn’t mandate new practices.

Second, the department combines the high and very high index categories when the NRCS phosphorus index has divided these ratings into two categories. The technical guide says that “remedial action is required to reduce P movement” and that “new soil and water conservation and/or P management practices are necessary to reduce P movement.” At the high category it is appropriate to restrict P applications and to require remedial action. The DNR has taken the NRCS phosphorus index a step further and prohibited manure applications on land rating in the high category. Our proposal would both restrict Phosphorus application and mandate remedial action to be taken in order to continue to apply manure in the future.

In very high category, we would agree with the department that manure application should be prohibited. This would be consistent with the NRCS phosphorus index.

The DNR’s proposal is also not consistent with the NRCS phosphorus index in both the medium and the high/very high category. The medium category restricts P application or requires some sort of undefined remedial action. The high and very high categories are combined and manure application is prohibited in the high category. We believe a more consistent reading with the technical guide would be to allow nitrogen based application in the medium category without remedial action and to allow phosphorus based application with adopted remedial measures in the high category.

As far as the other technical aspects of the draft phosphorus index rule, the rule will require (because of other provisions) that livestock farmers segregate higher risk areas from manure application. We are concerned that these aspects of the rule will tax NRCS’s resources to re-draw boundaries on 10 percent of the state’s fields in the next couple of years. We are also concerned that the DNR’s proposed rule will take higher risk land and take it out of DNR’s scope of regulatory authority. We believe that to improve water quality it may be better for the state to allow manure application on these lands and regulate this application rather than prohibit application and take those lands outside of DNR authority.

Farm Bureau also asks that you include more than one hearing in Des Moines. A number of hearing sites located geographically across the state are required to allow family livestock producers adequate opportunity for comment on this proposal.

CHRIS GRUENHAGEN, representing the Iowa Air Quality Coalition said that it would be appropriate to deny the Petition for rulemaking with Agribusiness Association of Iowa. There are provisions in our petition that are now inconsistent with the actions that the Commission took at last month’s meeting. In setting the Health Effects Value (HEV), we believe that there should be a HEV established but at a level that is commonly known to cause a material verifiable adverse health effects. It should be a standard based on the best scientific information available and a consensus based level. It should also be consistent with nationally recognized levels or standards such as ATSDR. It should be consistent with the durations that are actually being

experienced at livestock locations. The proposed level of 15 ppb we believe does not meet any of these criteria.

We have some concerns about how the study for odor protocols is being conducted. We have reviewed many of the raw data sheets. We have discovered that only 7% of the readings have been taken at separated locations. According to the statute, in order to determine the Health Effects level you need to be taking the readings at separated locations. We ask this to be done. We have also noticed that the Department's standard operating procedures are not being followed by the field officers. We hope the Department will correct this by co-locating every tenth reading. Another observation is that forms are not being completely filled out.

The proposed denial of the Petition for rulemaking with Agribusiness Association of Iowa includes inaccurate descriptions of what our petition actually said and did. We were able to clarify some of it with the Department.

In summary, we ask that in final consideration of the HEV that you reconsider the number and the duration and have it based on the best science in the nationally recognized levels. Also to direct the Department to continue to work with us on the odor protocol so we can insure greater compliance.

CARISSA LENFERT, representing ICCI said that they support the DNR's efforts to move forward with the proposed hydrogen sulfide health effects value of 15 ppb. We continue to object to the DNR's decision not to include an ammonia standard of 150 ppb and an odor standard of 7 to 1 delusion rate in the rules. Backing away from the joint university air quality study by not including an ammonia or odor standard will send the wrong message to all Iowans. That there state answers to special interests pressure and not the health and well being of Iowans. CCI members also have concerns with the DNR's monitoring proposal that have some exemptions that would tie DNR's hands. One exemption is for factory farms that did not meet legal separation distance requirements when they were constructed. The DNR needs to enforce the separation distances, not write exemptions. We strongly urge the DNR and EPC to take out the monitoring exemptions in the proposed rules. The DNR needs to protect everyone's health from factory farm air pollution. We also need to be concerned with the makeup of the technical adversity groups that DNR is assembling. We urge you to deny the petition and to move forward with clean air rules based on the recommendations in the joint university study.

BETH ROYSE, representing U.S. Green Fiber stated her support for the SWAP grant proposed by US Green Fiber for the state of Iowa. Today I ask for the funding to help make this come true not only for Iowa but for Nebraska as well.

NOTICE OF INTENDED ACTION - AMENDMENT TO CHAPTER 65.17 – “MANURE MANAGEMENT PLAN CONTENT REQUIREMENTS”

Jeremy Klatt, Nutrient Specialist in the Environmental Services Division presented the following item.

The attached Notice of Intended Action to amend Chapter 65 “Animal Feeding Operations” is being presented to the Environmental Protection Commission. Approval to proceed with rulemaking activities is requested.

Iowa Code 2003: Section 459.312, directs the department to develop rules that require manure application rates from confinement feeding operations to be based on the phosphorus index. The department proposes amending the rule 65.17 to base manure application rates on the phosphorus index and to clarify manure management plan requirements. The United States Department of Agriculture Natural Resource Conservation Service’s (NRCS) Iowa Technical Note No. 25 – Iowa Phosphorus Index was used as a guide in development of the rule amendment.

The department has developed these rules with input from stakeholders and a technical committee of experts in nutrient management. The department met with the stakeholder group on three occasions prior to submittal of this rule. The meetings were used to discuss the proposed rule and provide participants an opportunity to make suggestions to the department.

If the Environmental Protection Commission approves this agenda item, a public hearing on the proposed rules will be held on March 23rd at 1:30 p.m. in the fourth floor conference rooms of the Wallace State Office Building.

Jeremy Klatt said that the P-Index considers all factors that contribute to phosphorous laws not just soil phosphorus. It makes it more flexible. In Iowa erosion is typically the dominate mechanism, so controlling erosion in many situations will adequately reduce the phosphorous losses.

Darrell Hanson asked the reason for the Department’s interest in the requirement to keep the records within 30 miles of the site.

Wayne Gieselman said the issue is that if we go to a site, we may have to wait two days before we actually have the application records of how much manure was applied on a certain date. In many cases, we need to look at these records in a timely fashion. That’s the reason we have proposed this rule.

A copy of the administrative rule fiscal impact statement can be located in the Department’s Record Center.

Motion was made by Darrell Hanson to approve this item for public comment. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

SOLID WASTE ALTERNATIVES PROGRAM – US GREEN FIBER UPDATE

Valerie Drew, Environmental Specialist in the Energy and Waste Management Bureau presented the following item.

The Department received eleven (11) proposals, requesting nearly \$836,122 in financial assistance, for consideration during the October 2003 round of funding. Seven (7) applicant projects were selected for funding. These projects were approved at last month's meeting and will receive \$548,191 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of five persons representing the Energy and Waste Management Bureau (Valerie Drew, Tom Anderson), Iowa Society of Solid Waste Operations (Tom Hadden), Iowa Recycling Association (Kathryn Russell), and the Iowa Waste Exchange (Shelene Codner).

One project not selected for funding was US Green Fiber. Located in Norfolk, NE, they proposed to divert paper waste from Iowa landfills to manufacture fiber insulation. While the Department thought the project was viable, there were concerns about setting a precedent for funding companies located out-of-state, and this was the rationale for not awarding any funds.

The Commission directed the Department at December's meeting to work with the Nebraska Department of Environmental Quality (DEQ) to ensure the project was funded appropriately.

Valerie Drew said that this item is an information item. At last month's meeting, I was directed to investigate funding status from the state of Nebraska regarding US Green Fiber. They requested \$43,000 from the Nebraska Department of Environmental Quality for a \$87,000 project. They requested \$47,000 from the Iowa DNR. Because they were granted their entire request from the state of Nebraska, I assumed that they received their funding and that we were done with the project. However, we have new information as of this morning that they need an electrical upgrade which increases the cost of the project. Therefore, I would like to request that the Commission change this item from information to a decision item, so we can approve of the funding scenario. This would entail each entity putting in a third of the project cost. The electrical upgrade would cost \$25,000.

Kathryn Murphy said that this item should come to us next month as a decision item with all information.

INFORMATIONAL ONLY

FINAL RULE – AMEND IAC CHAPTER 567-111 “FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS”

Alex Moon, Environmental Specialist Senior in the Energy & Waste Management Bureau presented the following item.

Attached for the Commission's decision as a final rule are amendments to administrative rule 567—Chapter 111 "Financial Assurance Requirements for Municipal Solid Waste Landfills".

The request for action on this rule chapter is to incorporate minor revisions. In administrative rule Chapter 567-111 there are references to subrules found within other chapters of the administrative rules that are no longer accurate and therefore should be updated. Other revisions include adding wording that was unintentionally omitted, and clarifying subrules which municipal solid waste landfill owners have had difficulty interpreting. These amendments will provide greater clarity and consistency with legislative intent for municipal solid waste financial assurance requirements.

A public hearing for these rule amendments was held on November 5, 2003. No comments were received at the public hearing. One comment was received by electronic mail but did not pertain to the rule amendments. Thus, a responsiveness summary was not published and no changes were made to the proposed rule.

Motion was made by Darrell Hanson to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULE – AMEND IAC CHAPTER 567-11 “TAX CERTIFICATION OF POLLUTION CONTROL OR RECYCLING PROPERTY”

Jeff Geerts, Program Planner 3 in the Energy and Waste Management Bureau presented in the following item.

Attached for the Commission's information and review is a Notice of Intended Action to amend administrative rule 567—Chapter 11 "Tax Certification of Pollution Control or Recycling Property."

Legislative changes in 2003 expanded the scope of Iowa's recycling property tax exemption. Prior to this legislation, Iowa companies processing wastepaper, waste paperboard, or waste plastic into a new raw material or product could receive a property tax exemption. The new legislation expanded the property tax exemption by amending the definition of recycling property to include property used to convert waste wood products into new raw materials or products.

The proposed amendments reflect the expansion of the property tax exemption to include property used to process waste wood products. The proposed amendments provide examples of recycling property typically considered eligible and typically considered ineligible for the tax exemption. The following advisory committee participants assisted in this rules process.

Name	Organization
Mick Barry	Mid America Recycling
Konni Cawiezell	Iowa League of Cities
Dave Cretors	Department of Economic Development
Ed Henderson	Department of Revenue and Finance
Dewayne Johnson	Iowa Recycling Association
John Lawson	Calhoun County Assessor
Phil Meier	Boone County Auditor
Jim Moyle	Department of Revenue and Finance
Bob Mulqueen	Iowa State Association of Counties
Deb Rovang	ProEarth Environmental
Ross Simmelink	Palo Alto County Assessor
Scott Smith	Iowa Society of Solid Waste Operations

The commission will be requested to approve this Notice of Intended Action at its February meeting.

INFORMATIONAL ONLY

NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACT

Wayne Gieselman, Division Administrator of the Environmental Services Division presented the following item.

Commission approval is requested for a two-year, \$125,500 contract with the Center for Transportation Research and Education (CTRE), Iowa State University, to develop a Statewide Urban Design and Specifications Manual for Storm water Quality Management to help Iowa communities comply with NPDES Phase II requirements and improve water quality from urban and other developed areas.

Many Iowa communities lack the tools, knowledge, skills, experience, design standards, and specifications to adequately address water quality protection as part of storm water management. To ensure consistency in implementing NPDES Phases II throughout the state, a Statewide Urban Design and Specifications Manual will be developed and distributed. This manual will include consolidated technical design procedures and examples for urban storm water systems, Iowa rainfall and soils data, and other design aids appropriate for design and implementation of non-structural and structural urban storm water BMPs and will be available in both printed and digital format. Iowa Department of Transportation will utilize the updated Urban Standard Design and Urban Specifications chapters for design and specifications manuals as required for water quality benefits. In addition, the manual will be used as teaching material for workshops on urban storm water management and design for Iowa engineers and public works personnel. Contract funds will support project staff and associated costs for developing and printing/copying the final products.

This contract will be funded from the Stormwater Permit Fees program.

Wayne Geiselman said that he will look into the reasoning for the \$31,500 increase. (Original contract amount \$94,000 and the new increased amount is \$125,500)

Motion was made by Terry Townsend to approve the item as presented. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

NPDES DATABASE CONTRACT AMENDMENTS

Chuck Corell, Chief of the Water Quality Bureau presented the following item.

Commission approval is requested for two amendments to a contract for services to develop a database and application programs for the NPDES permitting program.

A contract with Computing Solutions, Inc. (now known as Genova Technologies) redesigned the database for the NPDES permitting program from a state mainframe to a PC-based system. This major project included innovations that enable much efficiency. The contract is nearing completion and is in the technical support and warrantee period. The original contract amount was \$212,480. Four previously approved change orders added \$28,170 and credited \$4,000 to the contract for a net increase of \$24,170. The contract was funded with Section 106 EPA grant funds.

Two contract amendments are recommended for approval:

- Change Order C13 would change the requirements, cost and schedule to accommodate development of programming necessary for quarterly non-compliance reporting (QNCR) to EPA. This “report” was included in the list of reports in the contract, however, is not a data report as are the other canned reports expected by the contract. It involves significant programming that was clearly beyond the scope of the original contract. This QNCR is a necessary capability to efficiently report to EPA. The change order provides a maximum of \$30,780 and allows until April 30, 2004 to complete this added work.
- Change Order C16 allows additional technical support beyond the original contract for up to \$9,000 until July 15, 2004. The contractual technical support ends in January 2004. We have found that the complexity of this new database and related programming is such that staff may benefit from extended contact with the contractor to make maximum use of its capabilities and efficiencies. Use of this provision will be by prior mutual agreement on a per hour basis.

Motion was made by Jerry Peckumn to approve the contract amendments. Seconded by Terry Townsend. Roll call vote went as follows: Jerry Peckumn – aye; Darrell Hanson – aye; Heidi Vittetoe – nay; Donna Buell – aye; Terry Townsend – aye; Kathryn Murphy – aye. Motion carried.

APPROVED AS PRESENTED

FINAL RULE: CHAPTER 61, WATER QUALITY STANDARDS, CHAPTER 62, EFFLUENT AND PRETREATMENT STANDARDS: OTHER EFFLUENT LIMITATIONS OR PROHIBITIONS

Wayne Gieselman, Division Administrator of the Environmental Services Division presented the following item.

The Commission will be asked to approve a final rule to amend the state's water quality standards (WQS). The rule amendments, if approved, would:

1. Establish numerical water quality criteria for chloride for the protection of aquatic life and general uses.
2. Replace the current total dissolved solids (TDS) numerical criterion of 750 mg/l with a site-specific approach for establishing discharge limits for dissolved solids.
3. Add approximately 300 publicly owned lakes as Class B(LW) Lakes and wetlands designated waters into the rule-referenced document "Surface Water Classification".
4. Add the Class A2 Secondary contact recreational use designation to all waterbodies currently designated as Class B(CW) Cold water or Class HQ High quality waters and those Class B(WW) Significant resource warm water segments not currently designated as Class A1 Primary contact recreational use to the rule-referenced document "Surface Water Classification".
5. Add thirteen stream segments as Class B(LR) Limited resource warm water, redesignate two Class B(WW) stream segments as Class B(LR) streams, and correct several referenced stream locations to the rule-referenced document "Surface Water Classification".
6. Amend the rule-referenced document "Protected Flows for Selected Stream Segments" to add several streams and correct the locations and protected flows of several other streams for consistency with the document "Surface Water Classification".
7. Amend subrule 567 - 61.2(5), paragraph "a" to reference the correct subrule.

Establishing numerical water quality criteria for chloride for the protection of aquatic life and general use along with replacing the current total dissolved solids (TDS) numerical criterion considered input from the Technical Advisory Committee (TAC).

Staff review of numerous publications and reference sources uncovered many smaller publicly owned lakes in Iowa that are not currently designated in the WQS. These lakes are proposed to be designated as Class B(LW). In response to stakeholder comments, these rules also propose to note on-stream impoundments in the listing of lakes in addition to their listing in the river basin sections of "Surface Water Classification". This rule making phase will also add the Class A2 Secondary contact recreational use designation to all waterbodies currently designated as Class B(CW) Cold water or Class HQ High quality waters and those Class B(WW) Significant resource warm water segments not currently designated as Class A1 Primary contact recreational use.

Six public hearings were held across the state throughout October 2003. Twenty-six persons or groups provided oral or written comments on the proposed WQS revisions. A responsiveness

summary has been prepared addressing the comments received in terms of the issues involved and the summary can be obtained from the Department of Natural Resources.

In the Notice of Intended Action, Little Wapsipinicon River in Chickasaw and Howard Counties was proposed to be designated as Class B(LR) Limited Resources Warm Water, along with the adoption of the rule-referenced document "Surface Water Classification." Following consideration of comments made by the public during the comment period, the Department asks that the EPC terminate rule-making efforts on the designation of Little Wapsipinicon River because of inadequate field data. The Department plans to perform additional field assessment on Little Wapsipinicon River in the near future.

Comments from environmental interests groups and other persons or organizations may be made at the Commission meeting regarding the new site-specific approach to the total dissolved solid (TDS) criterion or the new chloride criteria for the protection of aquatic life and general uses. As discussed in the Responsiveness Summary, the Department believes that the new total dissolved solids (TDS) criterion and the chloride standards will be protective of water quality and the uses being made of Iowa waters.

Chuck Corell went over the following amendments: (in the

ITEM 1: Amend subrules 61.2(4), 61.2(5), 61.3(5) and 62.8(2) by striking "July 16, 2003" and inserting the effective date of this amendment.

ITEM 2: Amend subrule 61.2(5), paragraph "a" as follows:

a. The allowable 3_C temperature increase criterion for warm water interior streams, ~~61.3(3)"f"(1), 61.3(3)"b"(5)"I"~~, is based in part on the need to protect fish from cold shock due to rapid cessation of heat source and resultant return of the receiving stream temperature to natural background temperature. On low flow streams, in winter, during certain conditions of relatively cold background stream temperature and relatively warm ambient air and groundwater temperature, certain wastewater treatment plants with relatively constant flow and constant temperature discharges will cause temperature increases in the receiving stream greater than allowed in ~~61.3(3)"f"(1), 61.3(3)"b"(5)"I"~~.

ITEM 3: Amend subrule 61.3(2), paragraph "g", as follows:

~~g. Total dissolved solids Chloride shall not exceed 750 1500 mg/l in any lake, or impoundment, or in any stream with a flow rate equal to or greater than three times the flow rate of upstream point source discharges. Acceptable levels of total dissolved solids and constituent cations and anions will be established on a site-specific basis. The implementation approach for establishing the site-specific levels may be found in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on [the effective date of this amendment.]~~

ITEM 4: Amend subrule 61.3(3), Table 1, Criteria for Chemical Constituents, entry for "Chloride," as follows:

		Use Designations				
Parameter		B(CW)	B(WW)	B(LR)	B(LW)	C
Chloride	Chronic	860*	860*	860*	860*	-----
	Acute	372*	372*	372*	372*	-----
	MCL	---	----	---	---	250*

Chuck Corell mentioned that EPA said that they would object to any water quality standards that we send them for final approval that contain changes, like the amendments mentioned above. (Items 1-4) We are trying to change the use designations for streams. We have to either designate the streams as swimmable, as required by the Clean Water Act or provide a specific stream justification for why that swimmable criteria is not appropriate for that stream. Because of the way that we are presenting this package, they have said that we have not justified why some of these waterbodies are not appropriate. The two choices are 1) to go ahead with item number 1 – change to these references. The only document changing is the support document for Iowa Water Quality Management Plan Chapter 4. 2) Delete item 4 for this month and we will come back with a much cleaner, clearer agenda item that says we want to adopt these changes to these reference documents.

Darrell Hanson said that he would propose that we do not have a separate chloride standard and that we raise the TDS standard to a 1,000.

Chuck Corell said that the 1,500 mg/l chloride that would be for the protection of general uses. It was intended to protect wildlife and livestock. Anything above 1,500 would be questionable on whether or not it would affect livestock. The 1,500 mg/l was not intended to protect aquatic life in these general use segments. There is usually none (in the case of an intermittent stream) to very little (a preanninual stream) aquatic life in these general use segments. There are no guidelines/numbers from EPA to base the TDS standards on. We are looking for a reasonable amount of protection with a reasonable amount of risk associated with it.

Wayne Geiselman said that our deadline is March 17, 2004. We have both February and March meetings to discuss this further.

Ralph Turkle said that the Use Designation Classification is available on the DNR's website as well as the support document.

Motion was made by Darrell Hanson to table this item until next month. Seconded by Terry Townsend. Motion carried unanimously.

TABLED

**PROPOSED RULE, CHAPTER 49 - NONPUBLIC WATER SUPPLY WELLS AND
CHAPTER 82 - WELL CONTRACTOR CERTIFICATION**

Charles C. Corell, Water Quality Bureau Chief in the Environmental Protection Division presented the following item.

The Commission will be presented with draft rule amendments to Chapter 49 - Nonpublic Water Supply Wells and Chapter 82 - Well Contractor Certification. The intent of these changes is to implement HF 583 (2003 Iowa Code 455B.190A) on certification of pump installers from the 2002 legislative session. The amendments being proposed in Chapter 49 would:

- Set technical requirements for proper installation of well pumps and related plumbing up to the pressure tank.
- Amend the purpose, add technical definitions and expand the sections addressing proper pump and plumbing installation.

The amendments being proposed in Chapter 82 would:

- Add the additional category of certified pump installer contractor
- Add definitions for pump services and define who may perform well services and pump services.
- Exempts public water supply operators from pump installer certification requirements.
- Set testing, fee and continuing education requirements for pump installers.
- Establish a general test and technical tests for well drillers and pump installers.
- Establish a peer advisory committee to help the department review application experience requirements and recommend future rule modifications.
- Set the sign-up period for registration without testing established in the law.

This law was authored and lobbied for by the Iowa Water Well association. The law established an advisory committee to help draw up the rules, write the tests, and modify the consumer information booklet. This rule package represents the results of this committee's consensus.

Chuck Corell said that the Department may develop a committee to review experience of the candidates.

Darrell Hanson said that an advisory group would make a lot of sense, but I don't feel that it should be required.

This item will come back to the Commission next month as a Notice of Intended Action item.

INFORMATIONAL ONLY

AIR DISPERSION MODELING PRESENTATION

Kathryn Murphy said we will view the presentation at next month's meeting.

DENIAL OF PETITION FOR RULE MAKING- AGRIBUSINESS ASSOCIATION OF IOWA, ET. AL.

Jim McGraw, Supervisor of the Program Development Section presented the following item.

The Commission will be asked to deny the attached petition for rule making to amend 567 Iowa Administrative Code to add a new rule 28.2 and to adopt an Iowa Field Study Sampling Manual. The petition proposed to adopt rules relating to a comprehensive field study on hydrogen sulfide and ammonia concentrations in ambient air, and on odor.

The petitioners have asked for a rulemaking that includes provisions that are already being addressed or included in the department's HEV/HES rulemaking. Other provisions in the petitioner's request unnecessarily place restrictions on the scope and length of the field study, and conflict with the existing field study quality assurance project plans and standard operating procedures that have already been established and are in use. These limitations would hinder the department's ability to collect the baseline data necessary to make an informed decision regarding the need to develop plans and programs related to the control of emissions from animal feeding operations, as specified in Iowa Code section 459.207. Specific comments that support this petition denial are included in the Denial of Petition for Rule Making.

Motion was made by Darrell Hanson to deny the petition. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE – CHAPTER 65.15 (14) NEW CONCRETE STANDARDS FOR FORMED MANURE STORAGE STRUCTURES, INCLUDING UPGRADED CONCRETE STANDARDS FOR KARST.

Reza Khosravi, Acting Section Supervisor in the Animal Feeding Operations presented the following item.

As a result of the 2002 Iowa Acts, chapter 1137, the department is modifying its minimum concrete standards for formed manure storage structures.

The new standards include minimum concrete standards for a formed manure storage structure for non-dry manure, for the storage of manure exclusively in a dry form, and upgraded concrete standards for karst.

The proposed minimum concrete standards would replace subrule 567 IAC 65.15(14) and would add a new Appendix "D", at the end of Chapter 65.

Attached is the "Responsiveness Summary" on the public comments received, and the "Adopted and Filed" proposed minimum concrete standards.

Reza Khosravi informed the Commissioners of what other states were doing with fiber reinforcement. (A copy can be found in the Department's Record Center.)

Reza Khosravi went over the following changes that were made to the final rule:

65.15(14) Concrete standards

a. Non-dry manure storage:

1. The floors shall be a minimum of 5 inches thick. Non destructive methods to verify the floor slab thickness may be required by the department. The results shall indicate that at least 95% of the floor slab area meets the minimum required thickness. In no case shall the floor slab thickness be less than 4 ½ inches.
2. Wire mesh shall not be used as primary reinforcement for a formed manure storage structure with a depth of 4 feet or more. Fiber can not be used as reinforcement.
3. Waterstops shall be installed in all areas where fresh concrete meet hardened concrete. Waterstops shall be made of plastic, rolled bentonite or similar materials approved by the department.
4. The vertical steel of all walls shall be extended into the footing and be bent at 90° or a separate dowel shall be installed. As an alternative to the 90° bend, the dowel may be extended at least 12 inches into the footing, with a minimum concrete cover at the bottom of 3 inches. In lieu of dowels, mechanical means or alternate methods may be used a anchorage of interior walls to footings.

(2) If a formed manure storage structure is not designed and sealed by a PE or a NRCS engineer, the design and specifications shall be in conformance with MWPS-36 (for ~~an above or~~ a below the ground rectangular tank) or MWPS TR-9 (for a circular tank); or in accordance with Appendix "D" at the end of this chapter (for a below the ground, laterally braces, rectangular tank).

6. All rebar used shall be a minimum of grade 40 steel. All reinforcement rebar, with the exception of rebar dowels connecting the walls to the floor or footings, shall be secured and tied in place prior to the placing of concrete.
10. The vertical steel of all walls shall be extended into the footing, and be bent 90° or a separate dowel shall be installed as a #4 rebar that is bent at 90° with at least 20 inches of bar in the wall and extended into the footing within 3 miles of the bottom of the footing and extended at least 3 inches horizontally, as indicated in Appendix D, Figure D-1 at the end of this chapter. As an alternate to the 90° bend, the dowel could be extended at least 12 inches into the footing, with a minimum concrete cover at the bottom of 3 inches. Dowel spacing (bend or extended) shall be the same as the vertical rebar. In lieu of dowels, mechanical means or alternate methods may be used to anchor interior walls to footings.

Motion was made by Jerry Peckumn to approve the concrete standards. Seconded by Darrell Hanson. Roll call vote went as follows: Darrell Hanson – aye; Donna Buell – aye; Terry Townsend – aye; Heidi Vittetoe – nay; Jerry Peckumn – aye; Kathryn Murphy – aye. Motion carries.

APPROVED AS PRESENTED

APPEAL OF CONTESTED CASE DECISION – PIPER MOTOR COMPANY, INC. AND BRUCE PIPER (TABLED)

Michael P. Murphy, Chief of the Legal Services Bureau presented the following item.

On April 17, 2002, the department issued Administrative Order No. 2002-WW-18 to the above parties. The Order required the parties to comply with wastewater monitoring requirements, to connect to the City sewer system, and to pay a penalty of \$10,000. The Order also included a Notice of Intent to Deny permit renewal. The Order and Notice were appealed, and the matters proceeded to administrative hearing on June 10, 2003. The Administrative Law Judge issued the attached Proposed Decision on July 2, 2003. The decision affirms the Order and Notice.

Mr. Piper has appealed this Proposed Decision to the Commission. The Proposed Decision, and pertinent documents have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mike Murphy said that everything was taken care of, no action is required.

Motion was made by Darrell Hanson to untable. Seconded by Terry Townsend. Motion carried unanimously.

NO ACTION TAKEN

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report

6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT**

January 1, 2004

Proposal	Notice to Commission	Notice Published	ARC #	Rules review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	ARC#	Rules Review Committee	Rule Effective
1. Ch. 20, 32 – Health Effects Value (HEV)	12/15/03	1/07/04		*2/03/04	2/17, 23, 25; 3/04, 11/04	*4/08/04	*5/17/04	*5/17/04	*6/09/04		*7/06/04	*7/17/04
2. Ch. 22 – Air Construction Permitting Exemption for Small Units	8/18/03	9/17/03	2775 B	10/13/03	10/07/03	10/17/03	11/17/03	11/17/03	12/10/03	3006B	1/06/04	1/14/04
3. Ch. 23 – Emission Standards for Contaminants – Open Burning	6/16/03	7/09/03	2597 B	8/05/03	8/07/03	8/13/03	11/17/03	11/17/03	12/10/03	3007B	1/06/04	1/14/04
4. Ch. 23 – Emission Standards for Contaminants – Waste Incineration	11/17/03	12/10/03	3005 B	1/06/04	1/16/04	1/16/04	*2/16/04	*2/16/04	*3/17/04		*4/06/04	*4/21/04
5. Ch. 40, 41, 42, 43, 44, 81 and 83 – Drinking Water Operator Certification and Lab Certification Programs	8/18/03	9/17/03	2779 B	10/13/03	10/7, 8, 10, 13-15/03	10/17/03	12/15/03	12/15/03	1/07/04		*2/03/04	*2/11/04
6. Ch. 61 – Water Quality Standards	8/18/03	9/17/03	2776 B	10/13/03	10/7, 9, 10, 13, 15, 17/03	10/31/03	1/20/04	*1/20/04	*2/18/04		*3/09/04	*3/24/04
7. Ch. 64, 69 – Renewal of General Permit	5/19/03	6/11/03	2526 B	7/08/03	7/01-10/03	7/11/03	11/17/03	11/17/03	12/10/03	3008B	1/06/04	1/14/04
8. Ch. 65 – Animal Feeding Operations-Construction Standards	7/21/03	8/20/03	2716 B	9/10/03	9/11/03	9/11/03	1/20/04	*1/20/04	*2/18/04		*3/09/04	*3/24/04
9. Ch. 65												

– Animal Feeding Operations – Manure Applicators	10/20/03	11/12/03	2924 B	12/09/03	12/03/03	12/03/03	*2/16/04	*2/16/04	*3/17/04		*4/06/04	*4/21/04
10. Ch. 65 – MMP Content Requirements; Phosphorous Index	1/20/04	*2/18/04		*3/09/04	*3/23/04	*3/23/04	*4/19/04	*4/19/04	*5/12/04		*6/08/04	*6/16/04
11. Ch. 111 – Financial Assurance Requirements for SWLFs	9/15/03	10/15/03	2863 B	11/10/03	11/05/03	11/05/03	1/20/04	*1/20/04	*2/18/04		*3/09/04	*3/24/04

Monthly Variance Report						
December, 2003						
Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Alliant Energy-Dubuque	Air Quality		Permit Requirements	Approved	12/30/03
2	MidAmerican Energy-George Neal South-Woodbury County	Air Quality		Permit Requirements	Approved	12/10/03
3	Muscatine Power and Water-Muscatine	Air Quality		Permit Requirements	Approved	12/08/03
4	Afton, City of	Wastewater Construction	Veenstra & Kimm, Inc.	Sewer Grade	Approved	12/09/03
5	Afton, City of	Wastewater Construction	Veenstra & Kimm, Inc.	Directional Boring, Sewer Slope	Approved	12/09/03
6	Bald Eagle Campground-Scott County	Wastewater Construction	Verbeke-Meyer Consulting Engineers	Manhole Location	Approved	12/09/03
7	Cedar Rapids, City of	Wastewater Construction	Hall & Hall Engineers, Inc.	Directional Boring, Sewer Slope	Approved	12/30/03
8	Hartley, City of	Wastewater Construction	DeWild Grant Reckert & Associates	Reliability	Approved	12/29/03
9	LeMars, City of	Wastewater Construction	Bolton & Menk, Inc.	Check Valve Location	Approved	12/09/03
10	Clinton County Sanitary Landfill (East)	Solid Waste	Barker Lemar Engineering Consultants	Liner	Denied	12/01/03

Environmental Protection Commission Minutes

January 2004

Environmental Services Division Report of Hazardous Conditions

During the period December 1, 2003, through December 31, 2003, 43 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Substance	Mode										
	Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
	October	73 (55)	11 (4)	45 (40)	17 (11)	21 (18)	41 (32)	2 (1)	1 (2)	3 (0)	5 (2)
	November	65 (57)	8 (13)	39 (29)	18 (15)	18 (18)	36 (36)	1 (0)	1 (0)	1 (1)	8 (2)
	December	43 (40)	8 (2)	25 (27)	10 (11)	18 (12)	23 (24)	0 (1)	0 (2)	1 (0)	1 (1)
	January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
	Total	181 (152)	27 (19)	109 (96)	45 (37)	57 (48)	100 (92)	3 (2)	2 (4)	5 (1)	14 (5)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
8	11	4	3	9	8

Iowa Department of Natural Resources Environmental Services Division Report of Manure Releases

During the period December 1, 2003, through December 31, 2003, 4 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	8 (10)	0 (0)	2 (5)	3 (1)	2 (4)	7 (9)	0 (1)	0 (0)	0 (0)	0 (1)

January 2004

Environmental Protection Commission Minutes

November	5 (12)	0 (0)	2 (4)	2 (3)	1 (5)	5 (12)	0 (0)	0 (0)	0 (0)	0 (0)
December	4 (5)	0 (0)	1 (1)	0 (0)	2 (3)	2 (3)	0 (0)	1 (1)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	17 (27)	0 (0)	5 (10)	5 (4)	0 (0)	14 (24)	0 (1)	1 (1)	0 (0)	0 (1)

(numbers in parentheses for the same period

last year)

Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
0	1	2	1	0	0

DATE: January 1, 2004

TO: EPC

FROM: Mike Murphy

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Pocahontas, City of (3)	Wastewater	Discharge Limits; Water Quality Violations – General Criteria	Order/Penalty \$5,000	12/01/03
Brian Stortz; S & P Enterprises, L.C., Waukon (1)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$1,000	12/04/03
Richard and Jerald Reiter, Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Construction Without Permit	Order/Penalty \$1,000	12/04/03
Richard and Jerald Reiter, Jackson Co. (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; WQ Violations – General Criteria	Order/Penalty \$6,000	12/04/03
Blackhawk Foundry & Machine Company, Davenport (6)	Air Quality	Other AQ Violations	Consent Order	12/04/03
Duane Flaherty, Pocahontas (3)	Wastewater	License Discipline	Notice of Intended Disciplinary Action	12/05/03
Mt. Ayr, City of (4)	Wastewater	Compliance Schedule	Amended Order	12/08/03
T. Patrick and Laurie Cashman, Deep River (5)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	12/09/03

Environmental Protection Commission Minutes

January 2004

Mid-Iowa farm Services, Inc.; Paul Hjortsvang, Stanhope (2)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$1,000	12/09/03
Albert Miller, Kalona (6)	Air Quality	Open Burning; Asbestos	Referred to AG	12/15/03
Bob Kerrigan, Afton (4)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$750	12/23/03
Custom Feeds, Inc., Muscatine (6)	Air Quality	Open Burning; Asbestos; Other Operational Violations	Consent Amendment \$3,000 \$7,000 SEP	12/23/03
Bruce Lorch, Osceola Co. (3)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$1,000	12/23/03
Loru Farm Partnership, Osceola Co. (3)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$3,000	12/23/03
Van Veldhuizen Dairy, Sioux Co. (3)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$2,000	12/23/03
Holcim (US), Inc., Mason City (2)	Air Quality	Other Air Quality Violations	Consent Order	12/24/03
John Schmall and Gina Lundberg d/b/a Carpenter Bar & Grill, Carpenter (2)	Drinking Water	Operation Without Permit	Order/Penalty \$10,000	12/29/03
Bryan Swenson, Hamilton Co. (2)	Animal Feeding Operation	Failure to Update Plan; Uncertified Applicator	Order/Penalty \$1,500	12/29/03
Diwan, LLC; Ranbir Thakur, Davenport (6)	Underground Tank	Financial Responsibility	Consent Order \$1,500	12/29/03
Vose Moving Company, Waterloo (1)	Underground Tank	UST Closure	Consent Order	12/29/03

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: January 1, 2004
TO: Environmental Protection Commission
FROM: Michael P. Murphy
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
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E00Jan-27

Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Coralville, City of (SEP)	WW	3,000	2-11-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
St. John's Lutheran Church (Greene)	WS	250	7-02-02
Robert Marburger (Sabula)	UT	2,940	7-15-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
* John Smith d/b/a Four Corners Tap (Lockridge)	AQ/SW	350	10-15-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Finley Mondia (West Chester)	UT	6,430	12-23-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
# Dave Jones (Union Co.)	AFO	1,550	2-14-03
* Moonshine Tap (New Hampton)	WS	200	2-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Lidderdale, City of	WS	500	3-04-03
Nevada, City of SEP	WW	3,000	3-14-03
Lidderdale, City of	WW	10,000	4-08-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
# James Masching (Carroll Co.)	AFO/WW	5,000	6-25-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Pita Corporation; Larry Swanson (Grinnell)	UT	750	7-13-03
* Paul L. Nagle (Clear Lake)	AQ	100	7-15-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
Lewis Hartgers (Jasper Co.)	AQ/SW/WW	3,000	11-04-03
# Holstein Dairy, LLP (Ida Co.)	AFO	750	11-07-03
# James Boller (Kalona)	AFO	5,000	11-30-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
#*Avery Feeder Pig Co. (Humboldt Co.)	AFO	1,250	12-15-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)SEP	SW	1,000	12-23-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
*#Robert Fisher (Hamilton Co.)	AFO	100	1-01-04
William Day (Iowa Co.)	SW/WW	2,000	1-02-04

Environmental Protection Commission Minutes

January 2004

Twin Lakes Sanitary Sewer District (Calhoun Co.)	WW	5,000	1-06-04
#*Van Middendorp Dairy (Sioux Co.)	AFO	2,000	1-15-03
* John and Bernice Danner (Lucas Co.)	WW	850	1-15-04
Dynamic Investments, Inc. (Wapello)	UT	1,950	1-20-04
Custom Feeds, Inc. (Muscatine) (\$7,000/SEP)	AQ	3,000	1-23-03
Independence Mobile Home Park (Independence)	WS	800	-----
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	-----
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	-----
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	-----
Well's Dairy, Inc. (LeMars) SEP	WW	5,000	-----
American Shell Co.; James L. Peach (Fairport)	UT	6,200	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
# Mid-Iowa Farm Services, Inc. (Stanhope)	AFO	1,000	-----
# Richard and Jerald Reiter (Jackson Co.)	AFO	6,000	-----
# Richard and Jerald Reiter (Dubuque Co.)	AFO	4,000	-----
# Brian Stortz; S & P Enterprises (Waukon)	AFO	1,000	-----
Carpenter Bar & Grill (Carpenter)	WS	10,000	-----
# Bob Kerrigan (Union Co.)	AFO	750	-----
# Bryan Swenson (Hamilton Co.)	AFO	1,500	-----
# Bruce Lorch (Osceola Co.)	AFO	1,000	-----
# Loru Farm Partnership (Osceola Co.)	AFO	3,000	-----
# Van Veldhuizen Dairy (Sioux Co.)	AFO	2,000	-----

TOTAL 317,620

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02

M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Air Bears II (Thompson)	WS	300	7-13-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
* Bog's Bar (Langworth)	WS	200	6-19-03
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Jolly Roger Recreation and Marina, Inc. (North Liberty)	WS	600	7-14-03
Mitchell Town Pump; Jeremy Mostek (Mitchell)	WS	500	7-09-02
# Kevin Hohbach (Taylor Co.)	AFO	2,000	6-30-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Johnny B Good's (Dyersville)	WS	500	8-01-03
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
TOTAL		236,089	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
# Floyd Kroeze (Butler Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
Long Branch Maintenance Corp. (Earlham)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000

Environmental Protection Commission Minutes

January 2004

Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000
Jones Co. Conservation Board; Central Park	WS	250
Arthur, City of	WW	2,000
James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740
Emer Carlson (Fairfield)	AQ	6,500
ITWC, Inc. (Brooklyn)	AQ	7,500
Wellington Environmental (Iowa City)	AQ	1,000
Kevin Wallerich (Keota)	SW/WW	500
# Frank Siemans (Wright Co.)	AFO	2,500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Lehigh Portland Cement Co. (Mason City)	WS	300
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Garry B. Pellett; Pellett Chemical Co.; Charles R. South	UT	2,645
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Walker Brothers Livestock Corp. (Washington)	WW	5,000
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Butler Custom Pumping, Inc.; Robert Butler (Adams Co.)	AFO	2,500
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Kuntz Farms, Inc. (Des Moines Co.)	AFO	1,000
Landfill of Des Moines, Inc. (West Des Moines)	SW	10,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Einck Dairy; D & J Pumping (Winneshek Co.)	AFO	4,000
# Dan Fox d/b/a Modern Manure Hauling; Jason Fox; Larry Peterson (Shelby Co.)	AFO	5,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# Larry Noel (Floyd Co.)	AFO	2,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
Frederika's Stein & Dine (Frederika)	WS	2,875
# Natural Pork Production II (Shelby Co.)	AFO	10,000
Denny Geer (Taylor Co.)	AQ/SW	3,000
Casey's General Stores, Inc. #2472 (Nichols)	WS	5,000
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	4,300
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
Country Terrace Mobile Home Park (Ames)	WW	10,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Denny Holtrip (Cherokee Co.)	AFO	750
Westfair Association, The (Council Bluffs)	WS	1,500
# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000

Cedar Rapids, City of	WW	1,000
The Welco Group; David Levin; Kwik Trip (Camanche)	UT	3,500
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	1,000
D & S Swine L.L.C. (Humboldt Co.)	WW	1,000
# River Valley Farms (Mahaska Co.)	AFO	750
Central Counties Cooperative (Kellogg)	AQ	5,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Tom Wageman Farm (Shelby Co.)	AFO	750
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Siouxland Energy & Livestock Cooperative (Sioux Center)	AQ/HC/WW	10,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
W & H Cooperative Oil Co.; Ron Ely (Humboldt Co.)	HC	1,250
Russell and Kay Barkema; K.R. Construction (Wright Co.)	AQ/SW	7,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
# Rick Van Roekel (Sioux Co.)	AFO	1,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
TOTAL		443,544

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Delano's Lounge; Delano and Delores Craig (Washington)	WS	391
Metzeler Automotive Profile Systems (Keokuk)	AQ	10,000
* John and Bernice Danner (Lucas Co.)	WW	75
* Quality Mat Co., Inc. (Waterloo)	AQ	2,833
Waukon Golf and Country Club (Waukon)	UT	500
Larry Whitehead (Sidney)	UT	3,500
Walcott Collision, Inc. (Walcott)	AQ	1,250
Larry Nuehring (Rockwell)	AQ/SW	100
*#Robert Fisher (Hamilton Co.)	AFO	100
KMB Diversified Services, Inc. (Rock Rapids)	AQ	3,000
Bruty Lumber, Inc. (Washington) (\$1,000/SEP)	AQ/SW	1,000
# K L & L; Charles Kollasch; Luke Kollasch (Palo Alto Co.)	AFO	750
#*Van Middendorp Dairy (Sioux Co.)	AFO	250
Langman Construction, Inc. (Bettendorf)	WW	2,000
# Performance Feeders, Inc. (O'Brien Co.)	AFO	1,500
North Iowa Wood Products, Inc. (Belmond)	AQ/SW	4,000
Lewis Contracting Co.; Randy Lewis (Red Oak)	WW	500
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	500
Diwan, LLC; Ranbir Thakur (Davenport)	UT	1,500
TOTAL		33,749

The following penalties were deferred:

Alva Parker (Ringgold/Union Co.)	AQ/SW	10,000
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The following SEPs were completed this month:

Bernard H. Cohrs; Cohrs Const. Co. (Dickinson Co.) SEP	AQ/SW	7,000	4-09-03
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**DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
ATTORNEY GENERAL REFERRALS
January 1, 2004**

Name, Location and region Number	Program	Alleged Action	DNR Action	New or Updated Status	Date
ABC Systems Hiawatha (1)	Disposal Solid Waste	DNR Defendant	Defense	Petition Filed Hearing Ruling for State Notice of Appeal Appellant's Proof Brief Appellee's Proof Brief	6/26/02 10/07/02 12/26/02 1/28/03 4/25/03 6/27/03
Bachman, Brett Bachman Pork, Inc. Sac Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty	Referred Admin. Penalty Paid (\$750)	10/20/03 11/03/03
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment State Motion to Compel Order Granting Motion to Compel State Motion for Sanctions Order Granting Sanctions (\$500) State Motion for Additional Sanctions Default Judgment	2/18/02 8/08/02 1/27/03 4/17/03 8/06/03 8/24/03 9/10/03 9/29/03 10/16/03 11/19/03
Bee Rite Disposal, Inc.	Tire Solid Waste	Solid Waste	Order/Penalty	Referred	5/20/02

Rhodes, State Center (5)		Violations				
BCD Corporation Council Bluffs (4)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violation	Order	Referred	7/22/02	
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Rep orting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	3/17/03	
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Rep orting-Bacteria, Nitrate	Order/Penalty	Referred	9/15/03	
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred	10/21/02	
Davis, Richard Wapello Co. (6)	Air Quality	Asbestos	Order/Penalty	Referred Petition Filed Application for Default Order Granting Judgment on Default Motion for Contempt Contempt Hearing Date	8/19/02 11/27/02 2/01/03 3/14/03 6/05/03 9/15/03	
Golden, Randy S.; R. Excavating Council Bluffs (4)	Wastewater	DNR Defendant	Defense	Petition Filed Answer	4/16/02 5/09/02	
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	7/21/03	
Hansel, Dave Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified	Order/Penalty	Referred Admin. Penalty/Intere st Paid	2/17/03 10/31/03	

Environmental Protection Commission Minutes

January 2004

		Applicator	(\$1690)			
Harper, David Harper's Marina; Jolly Roger Campground North Liberty (6)	Drinking Water	Monitoring/Rep orting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty	Referred	8/18/03	
Hohbach, Kevin Red Oak (4)	Animal Feeding Operation	Application in Excess of Crop Usage Rate	Order/Penalty	Referred	9/15/03	
Iowa Select Farms, L.P. Sow #7 Hamilton Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred Petition Filed Trial Date	2/18/02 2/03/03 1/27/04	
Johansen, Don d/b/a Bog's Bar Langworthy (1)	Drinking Water	Monitoring/Rep orting- Bacteria	Order/Penalty	Referred	11/18/02	
Johnson, Shelly Lynn d/b/a Oran Pub & Grill Fairbank (1)	Drinking Water	Monitoring/Rep orting-Nitrate; Permit Renewal Fee; Public Notice	Order/Penalty	Referred	11/18/02	
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred	3/17/03	
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02	
Kramer, John and Laura Johnny B Good's Dyersville (1)	Drinking Water	Monitoring/Rep orting, Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	10/20/03	
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Rep orting; Operational Violations; Operator Discipline	Order/Penalty	Referred	1/21/03	
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02	

Meixner, Larry; Air Bears II Thompson (2)	Drinking Water	Monitoring/Reporting – Bacteria; Nitrate	Order/Penalty	Referred	4/21/03
Messerschmidt, Mike Keokuk Co. (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	7/21/03
Miller, Albert Kalona NEW (6)	Air Quality	Open Burning; Asbestos	Order/Penalty	Referred	12/15/03
Mobile World L.C. Clinton (6)	Wastewater	Monitoring/Reporting; Operational Violations	Order/Penalty	Referred	11/18/02
Moore, C. D. d/b/a Iowa Skate U Iowa Falls (2)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria, Nitrate	Order/Penalty	Referred	5/19/03
Mostek, Jeremy Osage (2)	Drinking Water	Construction Without Permit; Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Order/Penalty	Referred	9/15/03
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed Default Entered	2/19/01 3/20/02 11/12/02
Oberly, Marvin Burlington (6)	Wastewater	Operation Without Permit	Order/Penalty	Referred	7/15/02
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03

Contempt
 Application 8/01/03
 Contempt 8/20/03
 Hearing Date 9/18/03
 Contempt 12/02/03
 Finding and
 Civil Penalty
 (\$100,000
 and 30 Days
 in Jail –
 Suspended
 until 7/8/03)
 Hearing
 Regarding
 Contempt
 Order
 Regarding
 Bond/Cleanu
 p
 Deadline
 Bond Posted
 State
 Objections to
 Bond
 Ruling
 Denying
 Objections to
 Bond
 Status
 Hearing Date

Paplow, Dave Indianola (5)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	3/17/03
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Schaffer, Dale Kent (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	4/21/03
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6)	Drinking Water	MCL; Public Notice Monitoring/Rep orting – Radioactivity	Order/Penalty	Referred	7/21/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty	Referred	7/21/03
Snooddy, Pat Honey Creek Campground	Drinking	Monitoring/Rep orting-Bacteria,			

January 2004

Environmental Protection Commission Minutes

Crescent (4)	Water	Nitrate; Public Notice	Order/Penalty	Referred	10/20/03
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Trafton Environmental, Inc.; Harry Trafton; Interstate Lounge, Inc. Underwood (4)	Underground Tank	UST Closure	Order/Penalty	Referred	2/17/03
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Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred	2/17/03
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Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh Davenport (6)	Underground Tank	Corrective Action; Failure to Report a Release; Leak Detection	Referred to Attorney General	Referred Petition Filed	3/17/03 11/07/03
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Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action-CDR	Referred to Attorney General	Referred Petition Filed	10/21/02 11/07/03
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Department of Natural Resources
Environmental Protection Commission
Contested Case
January 1, 2004

Date Received	Name of Case	F O	Action Appealed	Program	Assigned to	Status
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Responsible parties are managing site. Notice of Intent withdrawn. Case closed.
	Key City Coal Gas Site;	1	Site Registry	HW	Tack	Iowa DOT now owns site. Site is

7/30/90	and Howard Pixler					adequately controlled. Notice of Intent withdrawn. Case closed.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/ HC	Tack	12/18/03 – Initial site assessment completed by responsible parties. Follow-up investigation is underway.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Hearing continued. Negotiating resolution.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/ WS	Murphy	NPDES permit issued 3/28/02 with compliance schedule. Continuing to monitor for compliance.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	4/03 – Settled. Agreement reached. Consent order to be signed.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/02/03 – Vens rejects Dept. settlement offer.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	9/30/02 – Penalty settlement offer accepted. Monthly installments commenced 11/01/02.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	8/15/03 – Plans and specs received for relief sewer. 8/2/03 – Dept. engineer letter sent with comments on plans and specs and compliance schedule approved by Dept. Schedule to be placed in order. 10/13/03 – Dept. construction permit for WWTF improvements with final schedule issued. 10/31/03 – Consent order drafted for staff review. 11/7/03 – Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/H C	Tack	Delaware Ave. site clean-up is complete. Broadway site is nearly completed. Final waste removal scheduled for 4/03.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01. Second payment received 12/15/02. Final payment received 12/9/03. Case closed.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Violations resolved. Penalty settlement received. Case closed.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	9/18/03 – Partial penalty payment received without Dept. approval. Further negotiations necessary.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	8/03 – Permit issued; it is being

0						challenged by third parties in district court.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Settlement agreement. Hearing continued. Tier 2 received – approved high risk. Negotiate penalty and further corrective action.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 – Proposed decision upheld by EPC. Petition for judicial review filed. 12/26/02 - District Court ruled in favor of Dept. 1/28/03 – Appealed to Iowa Supreme Court.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	2/28/03 – Proposed consent order with attachments sent to facility attorney for review/signature. 3/03 – Further information concerning WWTF sent by facility engineer. 4/03 – Revised consent order drafted. 12/03 – Dept. letter and consent order to corporation's attorney.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/ HC	Wornson	Compliance mostly achieved. Confirmational monitoring. Negotiating penalty.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	8/22/02 – Informal meeting held to discuss settlement. On hold until companion case resolved. 10/03 – Letter to City attorney regarding appeal resolution. 11/21/03 – Dept. received response from City attorney regarding City's compliance status with order.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	10/30/03 – Erosion controls installed. DNR settlement demand. 12/24/03 – Response.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues. 9/02 – Letter received from MHP attorney. 10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 submitted. Negotiating penalty.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing rescheduled for 4/25/03 to allow City to complete TKN monitoring requested by WW permits staff. 3/03 – One year of TKN monitoring completed by City. Review of data completed by WW

						permits staff. 4/13/03 – Dept. letter to City attorney regarding review of TKN data and Dept. conclusions regarding such data. Hearing re-set for 6/20/03. 6/03 – City requested continuance to do stream study regarding TKN and NH3N in stream. ALJ granted continuance. 7/25/03 – Dept. staff reviewing City's stream study sampling plan. 8/7/03 – Dept. memo to City engineering concerning City's TKN and NH3N sampling plan for stream study. 12/26/03 – Follow-up letter to City attorney regarding status of stream study.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site enrolled in EPA Brownfield Pilot Project by City of Ft. Dodge. Site testing completed 10/02. Remediation/clean-up scheduled for 2003.
5/01/02	Piper Motor Company, Inc.; Bruce Piper d/b/a Super Clean Car Wash	6	Order/Penalty	WW	Murphy	ALJ decision 7/3/03. Appeal to EPC 8/1/03. EPC tabled to 11/17/03. Settlement possible.
5/07/02	Jones County Conservation Board; Central Park	1	Order/Penalty	WS	Hansen	6/30/03 – Compliance status report requested from WS section. 7/29/03 – Report received from WS section. 10/03 – Dept. letter to Jones CCB regarding appeal. 11/17/03 – Response received from Jones CCB regarding compliance with order requirements. 12/26/03 – Dept. letter with settlement offer.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Compliance initiated.
5/09/02	Arthur, City of	3	Order/Penalty	WW	Hansen	7/31/03 – Dept. letter regarding resolution of appeal. 8/29/03 – Further information requested from FO. 9/03 – Discussion with City regarding possible SEP project. 10/28/03 – SEP proposal received from City for resolving appeal. 11/10/03 – City informed of conditions for SEP.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months. Completed half of the required 12 classes, deadline for remaining 6 classes moved to August, 2004, due to planning and financial difficulties.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
5/23/02	Emer Carlson	6	Order/Penalty	AQ	Book	Hearing set for 1/27/04.
5/30/02	Paul Nagle	5	Order/Penalty	AQ	Book	Consent amendment agreed to with reduced penalty and payment plan. Payments on schedule.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
7/02/02	ITWC	5	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months.
7/09/02	Waukon Golf & Country Club	1	Order/Penalty	UT	Wornson	Compliance achieved. Settled. 12/10/03 – Penalty payment received. Case closed.

7/10/02	Kevin Wallerich	6	Order/Penalty	SW/ WW	Tack	9/26/02 – Amended order issued.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 8/03 –Letter to City attorney regarding resolving appeal. 10/30/03 – Letter to City attorney regarding revised report. 11/03 – Response from City attorney regarding revised report. 12/03 – Dept. letter with settlement offer.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Murphy	9/23/03 – DNR letter requesting update; facility improvements to be made through DAGS.
7/24/02	Frank Siemens	2	Order/Penalty	AFO	Clark	11/18/03 – Siemens makes small unilateral settlement payment. Further negotiations necessary.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Murphy	Settled. Awaiting SEP payment.
8/12/02	Garry B. Pellett; Pellett Chemical Co., Inc.	4	Order/Penalty	UT	Wornson	Late appeal. Closure sampling received. Further assessment required. Received delinquent tank fees. Negotiating penalty conditioned upon initiation of Tiered assessment.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	Negotiating before filing.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/S W	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	8/29/03 – Left message with Dahlhauser's attorney to return call regarding potential settlement.
9/03/02	Peter Cook	6	Order/Penalty	AQ/S W	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/S W	Tack	Clean-up underway. Expected to be completed by mid September, 2003. Penalty to be negotiated following clean-up.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	Negotiating before filing.
11/04/02	Walker Bros. Livestock Corp.	6	Order/Penalty	WW	Murphy	8/28/03 – Settlement offer. 1/2/04 – Settlement offer.
11/12/02	Sully Transport, Inc.; Bice Oil Co.; Tim Bice	4	Order/Penalty	WW/ HC	Wornson	Tier 1 completed. Stipulated dismissal and payment of \$4,000 settlement on penalty. Case closed.
11/18/02	Randy Lewis & Lewis Contracting Co.	4	Order/Penalty	WW	Murphy	1/02/04 - Settled. Penalty paid. Case closed.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/H C	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tier 1 compliance initiated.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Murphy	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/13/03	Merrell Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer. 1/2/04 – Response requested or the matter will be sent to DIA.
1/13/03	Glen Samuelson	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer. 1/2/04 – Response requested or the matter will be sent to DIA.
1/13/03	Butler Custom Pumping; Robert Butler	4	Order/Penalty	AFO	Murphy	2/12/03 – Settlement offer. 1/2/04 – Response requested or the matter will be sent to DIA.
1/13/03	Langman Construction; Charles Langman	5	Order/Penalty	WW	Murphy	12/18/03 – Penalty received. Case closed.
1/14/03	Monsanto	2	Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.

1/24/03	Kuntz Farms, Inc.	6	Order/Penalty	AFO	Clark	Negotiating before filing.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	3/18/03 – Settlement offer sent.
1/31/03	DIWAN, L.L.C.	6	Order/Penalty	UT	Wornson	Settlement consent order issued. Hearing continued indefinitely until terms of settlement are satisfied.
2/05/03	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Book	Negotiating before filing.
2/14/03	United Suppliers, Inc.	5	Permit Conditions	WW	Hansen	3/03 – Appeal reviewed by WW permits section. 10/31/03 – Dept. letter to Company attorney regarding meeting to discuss appeal. 12/03 – Discussions with company attorney regarding settlement.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/06/03	Einck Dairy, Inc.; D & J Pumping, Inc.	1	Order/Penalty	AFO	Clark	Negotiating before filing.
4/01/03	Dan Fox d/b/a Modern Manure Hauling; Larry Peterson	4	Order/Penalty	AFO	Murphy	1/02/04 – DNR letter.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Murphy	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/07/03	Frederika's Stein & Dine	1	Order/Penalty	WS	Hansen	Hearing continued to 11/17/03. Informal meeting 10/2/03 to discuss settlement. 10/10/03 – Inspection of well by Black Hawk Co. inspector and a well company. 10/14/03 – Revised permit issued to WS by FO1. 10/30/03 – Letter to WS attorney regarding hearing. Hearing set for 1/30/04. 11/21/03 – WS attorney filed motion to amend petition and amended petition. 12/1/03 – Dept. filed resistance to motion with DIA. 12/03 – ALJ issued order denying motion to amend petition.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Murphy	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney.
5/15/03	Larry E. Noel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
5/21/03	Natural Pork Production II (03-AFO-26)	4	Order/Penalty	AFO	Murphy	12/29/03 – Sent to DIA.
5/27/03	Casey's General Store #2472	6	Order/Penalty	WS	Murphy	9/1/03 – As-builts under review. 10/17/03 – Deficiency letter sent.
5/28/03	Denny Geer	4	Order/Penalty	SW	Tack	Clean-up progressing well. Penalty to be negotiated after cleanup is completed.
5/30/03	Gingerich Well & Pumping Service, LLC	6	Order/Penalty	WS	Wornson	Informal settlement meeting.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
	Casey's General Stores	4	Order/Penalty	UT	Wornson	Negotiating before filing.

7/01/03	(03-UT-03 through 03-UT-06)					
7/09/03	Country Terrace MHP	5	Order/Penalty	WW	Hansen	7/10/03 – Dept. letter to owner. 8/12/03 – Facility owner letter received regarding appeal. 11/03 – Appeal sent to DIA. Hearing set for 1/26/04. 12/03 – Petition filed with ALJ.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/S W	Tack	Partial site clean-up completed. Dept. to review wood waste management prior to penalty settlement discussions.
7/17/03	Larry Nuehring	3	Order/Penalty	AQ/S W	Tack	12/17/03 - Settled. Penalty received. Case closed.
7/23/03	Denny Holtrip	3	Order/Penalty	AFO	Clark	9/24/03 – Settlement offer; awaiting FO input.
7/25/03	Bruty Lumber, Inc.	6	Order/Penalty	AQ/S W	Book	12/12/03 – Penalty payment received. Case closed.
7/28/03	Westfair Association, The	4	Order/Penalty	WS	Hansen	Hearing continued to 12/12/03 in order to allow settlement discussion. 10/28/03 – Letter to attorney regarding hearing and submittal of as-builts for water storage units. 11/18/03 – Motion for continuance filed with ALJ. 11/25/03 – Dept. response filed with ALJ. 12/01/03 – ALJ order rescheduling hearing for 7/9/04.
7/28/03	Poverty Acres Feedlot Inc.	3	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/16/03	Cedar Rapids, City of	1	Order/Penalty	WW	Murphy	9/24/03 – Settlement offer. 11/06/03 – Response from City. 11/12/03 – DNR response.
8/19/03	Harlan, City of	4	Order	WW	Hansen	10/15/03 – Plans and specs received from City engineer.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	9/17/03 – Facility engineer to work with DNR engineer on revised schedule.
8/29/03	The Welco Group; David Levin; Kwik Trip	6	Order/Penalty	UT	Wornson	Compliance achieved. Await penalty/tank fees payment.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Negotiating before filing.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance initiated, prepare settlement document.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Murphy	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/08/03	Central Counties Cooperative	5	Order/Penalty	AQ	Book	Negotiating before filing.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Negotiating before filing.
10/06/03	Custom Feeds, Inc.	6	Order/Penalty	AQ	Book	Settled. Consent amendment issued. Awaiting penalty payment.
10/06/03	Dennis Bandstra d/b/a Big Dutch	3	Order/Penalty	AQ	Book	Negotiating before filing.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/08/03	D & S Swine, LLC	2	Order/Penalty	AFO	Murphy	11/26/03 – DNR contact with attorney.
10/17/0	River Valley Farms	5	Order/Penalty	AFO	Clark	Negotiating before filing.

3						
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
11/04/03	Tom Wageman	4	Order/Penalty	AFO	Clark	New case.
11/18/03	Greenman Technologies	5	Order/Penalty	SW	Tack	Tentative settlement agreement reached. Formalizing items of the settlement.
11/19/03	Harlan Clasen	3	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Preziosi	Negotiating before filing.
11/20/03	Siouxland Energy and Livestock Cooperative	3	Order/Penalty	AQ/WW/HC	Book	Meeting scheduled for 1/09/04.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/SW	Book	Meeting scheduled for 1/05/04.
11/25/03	W & H Cooperative Oil Co.; Ron Ely	2	Order/Penalty	HC	Tack	Settled. Awaiting penalty payment of \$750.
12/01/03	Rick VanRoekel	3	Order/Penalty	AFO	Clark	New case.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	New case.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	Order/Penalty	UT	Wornson	New case.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Murphy	New case.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	New case.

Iowa Department of Natural Resources Environmental Services Report of WW By-Passes

During the period December 1, 2003 through December 31, 2003, 11 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '03	8(5)	0.182	0.010	3	1(0)
November '03	4(3)	0.701	0.264	2	0(0)
December '03	11(4)	0.209	0.065	2	0(0)
January '03	3(4)	2	.8625	0	0(0)

February '03	4(5)	0.8	0.016	2	0(0)
March '03	7(10)	0.1	0.03	2	0(0)
April '03	8(5)	0.3	0.02	1	0(0)
May '03	9(2)	0.717	0.019	4	0(0)
June '03	6(3)	0.290	0.019	3	0(0)
July '03	5(6)	0.496	0.580	2	0(0)
August '03	2(9)	0.354	0.054	0	0(0)
September '03	4(5)	0.177	0.006	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
2	0	0	0	2	7

INFORMATIONAL ONLY

GENERAL DISCUSSION

The Commissioners discussed the possibility of holding the meetings on the 2nd Wednesday of each month. This would not begin until May.

NEXT MEETING DATES

February 16, 2004

March 15, 2004

April 19, 2004

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Kathryn Murphy adjourned the meeting at 4:45 p.m., Monday, January 20, 2004.

Jeffrey R. Vonk, Director

Kathryn Murphy, Chair

Lisa Davis Cook, Secretary

INDEX

A

Adjournment, 46
 Adoption of Agenda, 1
 Agribusiness Association of Iowa, et. al.
 Denial of Petition for Rule Making, 19
 Air Dispersion modeling presentation, 19
 Appeal of Contested Case Decision
 Piper Motor Company, Inc and Bruce
 Piper (Tabled), 21
 Approval of Minutes, 1

C

Call to Order, 1
 Chapter 49
 Proposed Rule
 Nonpublic Water Supply Wells, 18
 Chapter 567-11
 Tax Certification of Pollution Control or
 Recycling Property
 Proposed Rule, 13
 Chapter 567-111
 Final Rule
 Financial Assurance Requirements
 for Municipal Solid Waste Landfills,
 12
 Chapter 61
 Final Rule
 Water Quality Standards, 15
 Chapter 62
 Final Rule
 Effluent and Pretreatment Standards:
 Other Effluent Limitations or
 Prohibitions, 15
 Chapter 65.15 (14)
 Final Rule
 New concrete standards for formed
 manure storage structures, including
 upgraded concrete standards for
 karst., 20
 Chapter 65.17
 Notice of Intended Action
 Manure Management Plan Content
 Requirements, 10

Chapter 82

Well Contractor Certification
 Proposed Rule, 18
 Commissioners Absent, 1
 Commissioners Present, 1
 Contract
 Nonpoint Source Pollution Control
 Project, 14
 Contract
 NPDES Database, 15

D

Denial of Petition for Rule Making
 Agribusiness Association of Iowa, et. al.,
 19
 Director's Report, 1

E

Effluent and Pretreatment Standards - Other
 Effluent Limitations or Prohibitions
 Chapter 62
 Final Rule, 15

F

Final Rule
 Chapter 567-111
 Financial Assurance Requirements
 for Municipal Solid Waste Landfills,
 12
 Chapter 61
 Water Quality Standards, 15
 Chapter 62
 Effluent and Pretreatment Standards:
 Other Effluent Limitations or
 Prohibitions, 15
 Chapter 65.15 (14)
 New concrete standards for formed
 manure storage structures, including
 upgraded concrete standards for
 karst., 20
 Financial Assurance Requirements for
 Municipal Solid Waste Landfills
 Chapter 567-111

Final Rule, 12

G

General Discussion, 46

M

Manure Management Plan Content

Requirements

Chapter 65.17

Notice of Intended Action, 10

Members Absent, 1

Monthly Reports, 22

N

New concrete standards for formed manure storage structures, including upgraded concrete standards for karst.

Chapter 65.15 (14)

Final Rule, 20

Next Meeting Dates, 46

Nonpoint Source Pollution Control Project

Contract, 14

Nonpublic Water Supply Wells

Chapter 49

Proposed Rule, 18

Notice of Intended Action

Chapter 65.17

Manure Management Plan Content Requirements, 10

NPDES Database

Contract, 15

P

Piper Motor Company, Inc and Bruce Piper (Tabled)

Appeal of Contested Case Decision, 21

Proposed Rule

Chapter 49

Nonpublic Water Supply Wells, 18

Chapter 567-11

Tax Certification of Pollution Control or Recycling Property, 13

Chapter 82

Well Contractor Certification, 18

Public Participation, 2

S

Solid Waste Alternatives Program

US Green Fiber Update, 11

T

Tax Certification of Pollution Control or Recycling Property

Chapter 567-11

Proposed Rule, 13

U

University Hygienic Laboratory Contracts Presentation, 2

US Green Fiber Update

Solid Waste Alternatives Program, 11

W

Water Quality Standards

Chapter 61

Final Rule:, 15

Well Contractor Certification

Proposed Rule

Chapter 82, 18